

REMARKS

Entry of this Amendment and reconsideration are respectfully requested in view of the amendments made to the claims and for the remarks made herein.

Claims 1-28 are pending and stand rejected. Claims 1, 12, 23, and 24 have been amended.

Claim 28 stands rejected under 35 USC 112 for failing to distinctly claim the subject matter which is regarded as the invention.

Applicant thanks the examiner for his observation and has amended claim 28 as suggested. Applicant respectfully requests that the rejection be withdrawn in view of the amendment made to the claim.

Claims 1-28 stand rejected under 35 USC 112, first paragraph as allegedly including subject matter not disclosed in the specification. Specifically, the term "determined dynamically" is objected to.

Applicant respectfully disagrees with and explicitly traverses the reason for rejecting the claims. However, applicant has elected to amend the claims to remove the objected-to language and more clearly recite the invention claimed.

For at least this reason, applicant believes that the rejection has been overcome and respectfully requests that the rejection be withdrawn.

Claims 1, 5, 6, 8-10, 12, 16 17, 19-21, and 23-28 stand rejected under 35 USC 103(a) as being unpatentable over Emens (USP no. 6,493,744) in view of Durden (USPPA 2004/0250272), which are the same references cited in the prior Office Action for rejecting the claims

Applicant respectfully disagrees with and explicitly traverses the reason for rejecting the claims. However, the claims have been amended to further recite that "contains sufficient inappropriate content items to exceed a known threshold of at least one predefined inappropriate content item, wherein said inappropriate content item is selected from visual items, said visual items including evaluation of facial expressions to

determine content items selected from the group consisting of: anger, fear disgust, sadness, surprise and intensity of expression". No new matter has been added.

Support for the amendment may be found at least on page 9, lines 22-25, which state "the following facial expressions are typically associated with violent content anger, fear, disgust, sadness and surprise. In a further variation, the intensity of the expression can be evaluated to identify electronic media objects containing violent content."

As argued in response to the rejection of the claims in the prior Office Action, the Durden reference is cited to support the teachings of Emens in that Durden discloses teaching allowing access based upon determining predefined appropriate content based upon content rating. However, the combination of Emens and Durden fails to teach that facial expressions are evaluated to determine content items selected from the group consisting of: anger, fear disgust, sadness, surprise and intensity of expression.

A claimed invention is prima facie obvious when three basic criteria are met. First, there must be some suggestion or motivation, either in the reference themselves or in the knowledge generally available to one of ordinary skill in the art, to modify the reference or to combine the teachings therein. Second, there must be a reasonable expectation of success. And, third, the prior art reference or combined references must teach or suggest all the claim limitations.

The invention recited in claim 1 is not rendered obvious by the teachings of Emens and Durden as the combination of Emens and Durden fails to recite each element claimed.

As the combination of Emens and Durden fails to teach or suggest all the elements claimed, applicant submits that the reason for the rejection has been overcome and the rejection can no longer be sustained. Applicant respectfully requests withdrawal of the rejection and allowance of the claim.

With regard to the remaining independent claims, these claims recite subject matter similar to that recited in claim 1 and were rejected citing the same references used in rejecting claim 1. Thus, applicant's remarks made in response to the rejection of claim 1 are also applicable in response to the rejection of these claims. Applicant submits that in view of the amendments made to the remaining independent claims, which are similar

to those made in claim 1, and for the remarks made with regard to the rejection of claim 1, which are reasserted, as if in full, in response to the rejection of the remaining independent claims, the reason for the rejection of these claims has been overcome and the rejection can no longer be sustained. Applicant respectfully requests withdrawal of the rejection and allowance of the claims.

With regard to the remaining dependent, these claims ultimately depend from the independent claims, which has been shown not to be rendered obvious, and, hence, allowable, over the cited references. Accordingly, the aforementioned claims are also allowable by virtue of their dependence from an allowable base claim.

Claims 2-4 and 13-15 stand rejected under 35 USC 103(a) as being unpatentable over Emens-Durden and further in view of Cragun (USP no. 5,832,212). Claims 7 and 18 stand rejected under 35 USC 103(a) as being unpatentable over Emens-Durden and further in view of Forsyth ("Identifying Nude Pictures"). Claims 11 and 22 stand rejected under 35 USC 103(a) as being unpatentable over Emens-Durden and further in view of PR Newswire.

The aforementioned claims each depend from one of the independent claims, which have been shown to contain subject matter not disclosed by the combination of Emens and Durden. Accordingly, the aforementioned claims are not rendered obvious in view of the additional references cited as none of the additional references provides any teaching or suggestion to correct the deficiency shown to exist in the teachings of Emens and Durden.

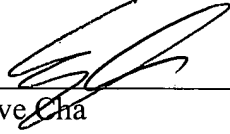
For at least this reason, all of the aforementioned claims are allowable and applicant respectfully requests that the rejection(s) be withdrawn.

For all the foregoing reasons, it is respectfully submitted that all the present claims are patentable in view of the cited references. A Notice of Allowance is respectfully requested.

Respectfully submitted,

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Date: March 8, 2007

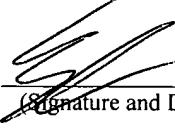
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